Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

#### THE STATE OF UTAH

# TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

This Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment and the affidavits attached hereto as Exhibit A supplement and support the Amended Acknowledgment and Amended Notice of Acknowledgment, previously made under Utah Code Sections 72-5-309 through 310 inclusive, as it pertains to the highway located in Beaver County known as CUNNINGHAM WASH ROAD; County Road Number: B-7; State Geographic Information Database (SGID) Road Identification Number: RD010154.

This document supplements and supports the information contained in the document first recorded at Ent 232954, Bk 409, Beg Pg 405, as modified by the Amended Acknowledgment and Amended Notice of Acknowledgment recorded on February 15, 2008 at Ent 235872, Bk 419, Beg Pg 1. A legal description is attached hereto as Exhibit B.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Supplement to Amended Acknowledgment and Amended Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the day of \_\_\_\_\_\_, 200 8.

By the Governor's Designee

CERTIFICATION

State of Utah : \$\$

County of Salt Lake

Ent 237075 Bk 424 Date: 02-JUL-2008 Fee: Mone

Filed By: RBB RRUCE BROWN, Recorder BEAVER COUNTY CORPORATION

For: STATE OF UTAH

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

**Notary Public** DEBORAH MONTGOMERY 5110 State Office Bldg, PO Box 14247 Salt Lake City, Utah 84114 My Commission Expires April 24, 2012 State of Utah

Notary Public

# Exhibit A

## AFFIDAVIT OF ROBERT MERRYWEATHER

#### **CUNNINGHAM WASH ROAD**

#### BEAVER COUNTY, UTAH

#### **ROAD NUMBER B-7**

State of Utah	)
	: SS
County of Beaver	)

ROBERT MERRYWEATHER, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Milford, Beaver County, Utah. I have lived in
  Beaver County most of my life. I was employed with the Beaver County Road Department from
  approximately 1970 to 2000.
- 2. I have traveled and am familiar with a road in Beaver County known as Cunningham Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1950, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Cunningham Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- 3. I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1950 and continuing through 1976 to 2006.

  Throughout this time period I have observed travel on the road by means of pickup trucks, ATVs and automobiles. Throughout this time period, the road has been used daily, weather permitting.
- 5. Throughout the time period from 1950 to 2006, I have used the road myself for hunting, recreation and county road maintenance.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph, plus mining, prospecting for minerals, government access and wood gathering.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
  - 8. Prior to 1976, I performed maintenance and construction activities on the road.

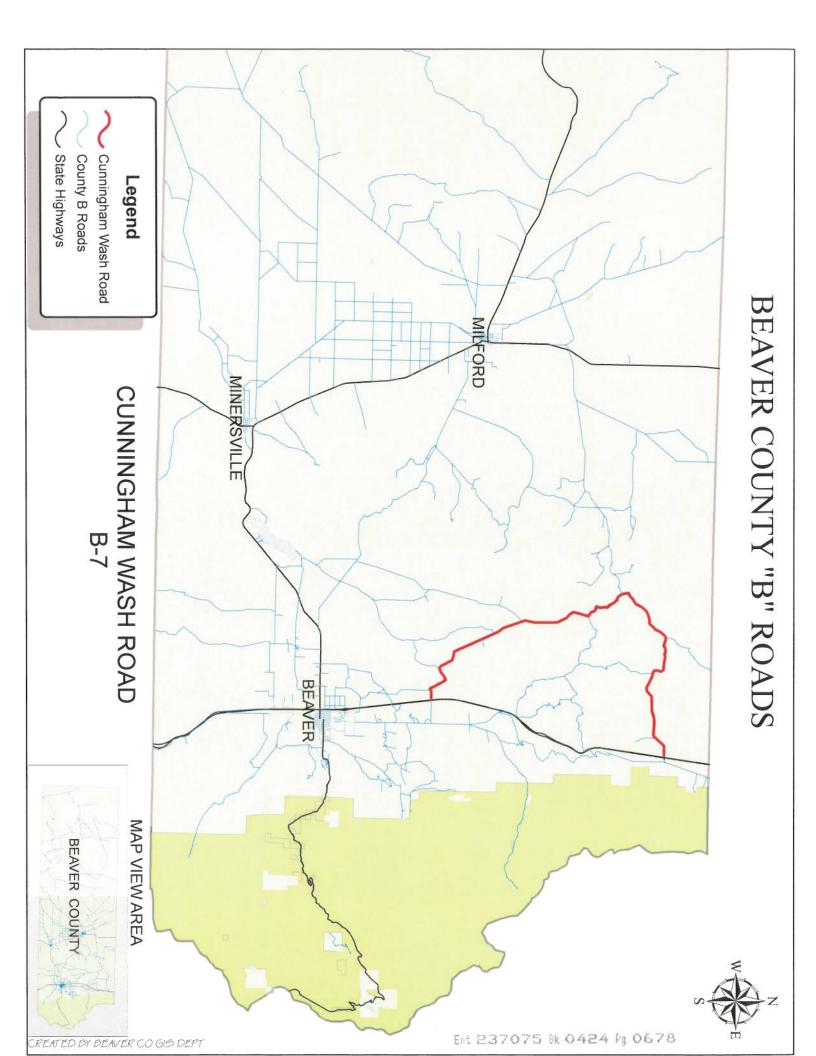
DATED this \_\_/\_ day of February, 2007.

ROBERT MERRYWEATHER

SUBSCRIBED AND SWORN to before me this day of February, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bidg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



# AFFIDAVIT OF S. K. NOWERS CUNNINGHAM WASH ROAD BEAVER COUNTY, UTAH ROAD NUMBER B-7

State of Utah	)
	: SS.
County of Beaver	)

- S. K. NOWERS, being first duly sworn, deposes and states as follows:
- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in Beaver, Beaver County, Utah. I have lived in
  Beaver County my entire life. I was employed by the Beaver County Road Department from the
  1960s to the 1990s.
- 2. I have traveled and am familiar with a road in Beaver County known as Cunningham Wash Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1930s, it followed the same route as in 2006 when I last observed it. Attached is a Beaver County map showing Cunningham Wash Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- 3. I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1930s and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by means of cars, trucks. Throughout the time period from the late 1930s to 2006 the road was used daily.
- 5. Throughout the time period from the late 1930s to 2006, I have used the road myself for livestock operations, hunting, recreation, travel in and through the area and county

road maintenance.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus mining and wood gathering. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 7. Prior to 1976, I personally performed maintenance and construction activities on the road.

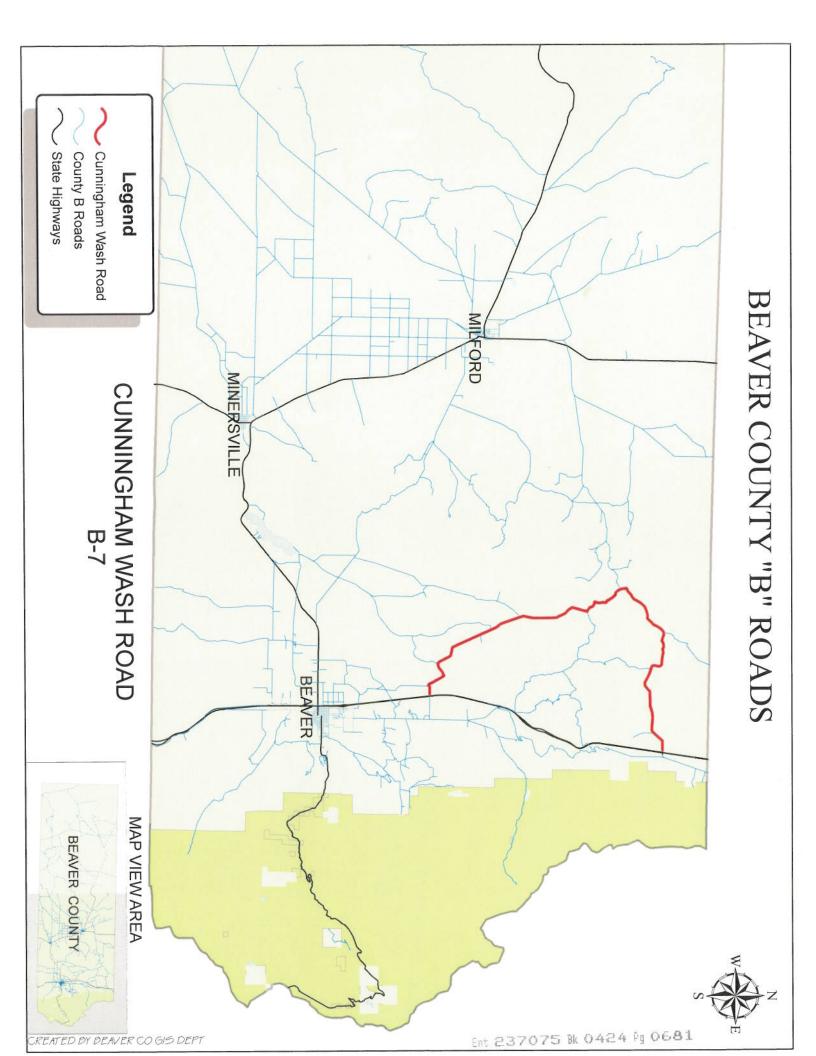
DATED this <u>2</u>/ day of January, 2007.

S. K. NOWERS

SUBSCRIBED AND SWORN to before me this 31th day of January, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



#### Exhibit B

# Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: CUNNINGHAM WASH ROAD

County: Beaver

County Road Number: B-7

State Geographic Information Database (SGID) Road Identification Number: RD010154.

Total Road Length: 24.47 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 21 minutes 34.08 seconds North Latitude and -112 degrees 39 minutes 048.9 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,306,765.5 feet and Y = 10,460,975.5 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 32 minutes 16.63 seconds North Latitude and -112 degrees 36 minutes 41.66 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,322,451.4 feet and Y = 10,525,793.4 feet based on the US Survey Foot conversion.

### This road may traverse:

Township 26 South Range 7 West, Section(s) 19,20,21,22,23,29,30, Salt Lake Base & Meridian Township 26 South Range 8 West, Section(s) 22,23,24,27,28,32,33, Salt Lake Base & Meridian Township 27 South Range 8 West, Section(s) 4,9,10,15,16,22,27,34,35, Salt Lake Base & Meridian Township 28 South Range 7 West, Section(s) 18,19,20, Salt Lake Base & Meridian Township 28 South Range 8 West, Section(s) 2,11,12,13,24, Salt Lake Base & Meridian